IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application Number	: 09/883,300	Confirmation No.:	9721
Applicant	: Glen Boysko *et al*		
Filed	: June 19, 2001		
Title	: Method and system for security and user account integration by reporting systems with remote repositories		
TC/Art Unit	: 2153		
Examiner:	: Thu Ha Nguyen		

Docket No.	: 53470.003028	
Customer No.	: **21967**	

Mail Stop: AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR PRE-APPEAL BRIEF CONFERENCE

Pursuant to the Pre-Appeal Brief Conference Pilot Program announced in the Official Gazette, Applicants hereby request a pre-appeal brief conference in the above-referenced case. No amendments are being filed with this request. Additionally, this request is being filed with a Notice of Appeal.

This application is appropriate for a pre-appeal brief conference. A brief history of this application and why applicants believe that an appeal will succeed are set forth below.

This application was filed over four years ago on June 19, 2001. Applicants' initial claims were rejected based on section 102 or section 103. In an effort to streamline prosecution, Applicants amended independent claims 1, 8 and 15 and presented several arguments to further clarify important distinctions over the primary reference (U.S. Patent No. 6,453,353 to Win *et al.* ("Win")) and the proposed combination. However, rather than withdrawing the improper

rejections and allowing the claims, the Office Action finally rejected the claims using only the Win reference under section 102. Despite several additional attempts to clarify important distinctions over Win, a Final Rejection has now been entered against all claims, maintaining the same rejections and same reference under section 102.

Despite clearly indicating the deficiencies in the proposed rejection, the Office continues to misconstrue the Win reference and misapplies its obligation to show that all the claimed elements are taught by the reference.

Specifically, the disclosure of Win fails to show at least the limitation directed to "enabling the first server…*to determine user access control data for identifying at least one user privilege for performing one or more actions and at least one user permission associated with one or more objects*, wherein the remote repository is located *within* a second server, the second server being different from the first server", as expressly recited independent claim 1, and similarly recited in independent claims 8 and 15 (emphasis added).

Win does not teach each and every limitation, feature, or functionality of the claimed invention. For example, regarding independent claim 1, Win makes no mention of a applying the authentication process to against "a *remote* repository" and "wherein the remote repository is located *within* a second server, the second server being different from the first server" (emphasis added). In fact, Win appears to merely teach that resource and user information are organized in a "central repository." *See* Win at col. 5, lines 12-20. This is clearly distinguishable from a remote repository that is not owned by the server. Furthermore, even assuming that Win teaches a remote repository, Win clearly teaches that the repository is not "located within" the second server, as expressly recited in claim 1. Rather, the "Registry Server 108 is **coupled to** a Registry Repository 110" (emphasis added). *See* Win at col. 6, lines 20-26. Although this argument has

been previously presented to the Office, the Office continues to deliberately misconstrue the Win reference without any explanation. For example, Win expressly recites that its "Registry Server 108 is **coupled to** a Registry Repository 110" (emphasis added); however, the Office conveniently refers Win as teaching a "registry repository 110 **at the** registry server 108" (emphasis added). *Office Action* at p. 2 and 4. This is clearly not what is shown in Win and therefore an improper application of the reference under section 102.

In addition, not only does Win fail to teach a remote repository that is located within a second server, Win also fails to teach the step of determining user access control data for identifying at least one user privilege for performing one or more actions and at least one user permission associated with one or more objects. In fact, Win appears to merely teach a role-specific access **menu** to a network user that is **available to show only** those resources that the user is authorized to access according to the user's profile information, including roles and privileges. *Office Action* at p. 4 (citing Win, col. 5, line 66 - col. 6, line 17, "providing user a personalized menu that displays only resources that user has a right to access"). This is clearly distinguishable from access control data for identifying at least one user privilege for **performing one or more actions** and at least one user permission associated with one or more objects.

As a result, the disclosure of Win fails to teach or show at least the limitation directed to "enabling the first server to apply the authentication process to authenticate the user against a remote repository for verifying the user credential input and *to determine user access control data for identifying at least one user privilege for performing one or more actions and at least one user permission associated with one or more objects, wherein the remote repository is located within a second server, the second server being different from the first server.*"

These features are simply not taught or even contemplated by Win. For a proper rejection under 35 U.S.C. § 102(e), each and every claim limitation must be shown in a single reference. The Office Action has failed to meet this requirement and thus the rejection is unsupported and should be withdrawn.

Regarding independent claims 8 and 15, these claims recite subject matter related to claim 1. Thus, the arguments set forth above with respect to claim 1 are equally applicable to claims 8 and 15. Accordingly, is it respectfully submitted that claims 8 and 15 are allowable over Win for the same reasons as set forth above with respect to claim 1.

Thus, an appeal on that basis will certainly succeed, but the time and expense in preparing an appeal brief on that issue should not be borne by MicroStrategy when the grounds is so clearly improper.

Respectfully submitted,

Date: <u>April 22, 2008</u>

George Y. Wang
Registration No. 58,637

Hunton & Williams LLP
1900 K Street, NW
Washington, D.C. 20006-1109
(202) 955-1500